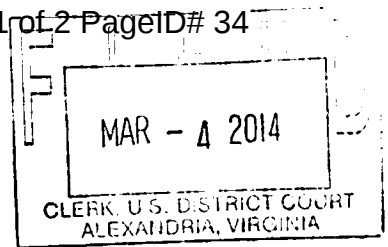


UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF VIRGINIA

U.S.A. vs. Darold L. KernsDocket No. 1:12mj720

Petition on Probation

COMES NOW Eva M. Wall, PROBATION OFFICER OF THE COURT, presenting an official report upon the conduct and attitude of Darold L. Kerns, who was placed on supervision by the Honorable Theresa Carroll Buchanan sitting in the Court at Alexandria, Virginia, on the 10th day of May, 2012, who fixed the period of supervision at two (2) years, and imposed the general terms and conditions heretofore adopted by the Court and also imposed special conditions and terms as follows: : 1) the defendant shall serve a period of ten (10) days incarceration, weekends permitted, at the direction of the probation officer; 2) commencing May 10, 2012, and continuing for two (2) years, the defendant may operate a motor vehicle only if equipped with an ignition interlock device and then only (a) to and from work, or as employment requires, (b) to and from the probation office and the alcohol treatment program, and (c) to and from church; 3) the defendant shall enter and complete an alcohol education and/or treatment program which may include Alcoholics Anonymous at the direction of the probation officer; 4) the defendant may not consume alcohol to excess; 5) the defendant shall pay a \$500.00 fine and a \$25.00 processing fee, to be paid within 30 days.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

See Attachment(s)

PRAYING THAT THE COURT WILL ORDER a warrant to be issued directing that the offender appear before the Court to show cause why supervision should not be revoked.

ORDER OF COURT

Considered and ordered this 4th day
of March, 2014 and ordered filed and made
a part of the records in the above case.

Theresa Carroll Buchanan
United States Magistrate Judge

Theresa Carroll Buchanan
United States Magistrate Judge

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 2-26-14

Eva M. Wall
Eva M. Wall
U.S. Probation Officer
703-299-2363

Place Alexandria, Virginia

TO CLERK'S OFFICE

Prob 12A(10/09)

Petition on Probation

Page 2

RE: KERNS, Darold L.

OFFENSE: Driving While Intoxicated with a BrAC of .08% or More.

SENTENCE: Two (2) years supervised probation with the special conditions listed on page 1. On May 31, 2012, Your Honor approved a request for an extension to pay the fine and costs of no later than September 10, 2012.

ADJUSTMENT TO SUPERVISION: Mr. Kerns has had a tumultuous adjustment to probation supervision. On January 7, 2013, Mr. Kerns appeared before Your Honor because he had drank alcohol to excess as the ignition interlock device had computed a reading of .108 at 8:35 am on September 1, 2012. At that violation hearing, Mr. Kerns provided a witness who indicated he had been the one who blew into the interlock device that particular date/time. Your Honor dismissed the petition against Mr. Kerns at that time.

After that hearing, he continued to report as directed, submit monthly reports in a timely manner, and he completed the ten (10) days jail on December 10, 2012.

A No Action Recommended Violation Report was submitted to Your Honor on October 7, 2013, because Mr. Kerns had submitted a urine screen at his substance abuse treatment provider that tested positive for cocaine. The screen was tested via an instant read cup, and was not sent out for confirmation. He was placed on this District's random drug screening system and instructed to report each and every time his assigned phase was called. To date, he has reported for every collection but one.

VIOLATIONS: The following violations are submitted for the Court's consideration.

MANDATORY CONDITION: COMMISSION OF A CRIME - DWI -3rd, DRIVE ON REVOKED LICENSE, IMPEDE TRAFFIC, STOPPING ON HIGHWAY, REFUSAL OF BREATH TEST, AND TAMPER WITH DWI IGNITION INTERLOCK.

On February 17, 2014, Mr. Kerns was arrested by the Alexandria Police Department and charged with DWI - 3rd, Drive on Revoked License, Impede Traffic, Stopping on Highway, Refusal of Breath Test, and Tamper with DWI Ignition Interlock. This matter is scheduled to be heard before the Alexandria General District Court on April 25, 2014.

CONDITION 3: FAILURE TO ANSWER TRUTHFULLY ALL INQUIRIES BY THE PROBATION OFFICER.

On February 19, 2014, Mr. Kerns reported to this office and provided false information to the Probation Officer regarding his recent arrest for DWI. Mr. Kerns told this Officer that he was simply moving his vehicle to the other side of the road when a police officer drove up behind him. However, the police report indicates the police officer observed his vehicle making a U-turn. The police officer states in his report that he followed Mr. Kerns eastbound in the 1200 block of Wythe Street and noticed the "driver operating the vehicle extremely slow almost coming to a stop at certain points." The police report states Mr. Kerns then did a second U-turn and traveled westbound on Wythe Street. When Mr. Kerns was stopped, he had a small container of french fries and admitted to the police officer that he had gone to buy food at 7-11. The report indicates Mr. Kerns had a passenger in his vehicle that did not smell of alcohol.

EMW/mbp

